Title	<b>Notice to Appear Forms</b> (adopt Cal. Rules of Court, rule 829; discontinue Form TR-110; revise Forms TR-100, TR-106, TR-108, TR-115, TR-120, and TR-130; and revise form instructions, <i>Notice to Appear and Related Forms</i> )
Summary	Proposed rule 829 and the revisions of the council's notice to appear forms and instructions found in <i>Notice to Appear and Related Forms</i> will allow law enforcement agencies to print and issue citations without having to submit their forms to the Administrative Office of the Courts for review and approval.
Source	Traffic Advisory Committee
Staff	Courtney Tucker, Senior Court Services Analyst (415) 865-7611
Discussion	The Traffic Advisory Committee proposes changes to policies and procedures of the Judicial Council regarding approval of notice to appear citations used by law enforcement agencies under Vehicle Code section 40500(b) and Penal Code section 853.9. The Judicial Council is authorized to prescribe the form of a notice to appear issued when a person is arrested for misdemeanor or infraction violations of the Vehicle Code or ordinances related to traffic offenses. (Veh. Code, § 40500(b.) Penal Code section 853.9 further authorizes the council to approve notice to appear forms for nontraffic offenses. When a Judicial Council notice to appear form is verified by the issuing officer, it constitutes a complaint. (Veh. Code, § 40513(b) and Pen. Code, § 853.9.)  Currently, law enforcement agencies are required to submit their proposed notice to appear forms to the Administrative Office of the Courts for review and approval. Under the proposed rule, the Judicial Council would publish approved forms and guidelines. Notices to appear that used the approved forms and comply with the published guidelines would be in the form approved by the Judicial Council.  To accomplish this, proposed California Rules of Court, rule 829, <i>Notice to Appear Forms</i> , (Attachment A) would:  • require that a notice to appear issued for nonparking traffic infractions or misdemeanors be prepared and filed with the court on Form TR-115 or Form TR-130 and comply with the requirements in the council's <i>Notice to Appear and Related Forms</i> ("Instructions");

- permit a notice to appear issued for a nontraffic infraction or misdemeanor that is prepared on Form TR-120 or Form TR-130 and that complies with the requirements in the council's Instructions to be filed with the court and serve as a complaint within the meaning of Penal Code section 853.9; and
- require that corrections to the council's notice to appear forms be made on Form TR-100, *Notice of Correction and Proof of Service*.

In addition, the committee proposes revising the Instructions, to permit agencies to print their citation forms without submitting them for review and approval.

Adoption of the rule will improve efficiency and make citation requirements more transparent. By posting the revised forms and Instructions (Attachment B) on the Web site for the California Courts, law enforcement, the courts, and the public will be better notified of the council's requirements and have easy access to the forms and Instructions for their implementation and use. Increased access to the required forms should also help promote their proper use by improving awareness of their appearance and standard provisions.

Minor revisions to the forms (Attachment B) are also proposed to allow addition of local information, improve their flexibility, and address the recent change in Rule 851, *Procedures and Eligibility Criteria for Attending Traffic Violator School*. Since Form TR-130, *Traffic/Nontraffic Notice to Appear*, contains all the information included in Form TR-110, *Traffic Notice to Appear*, and has the added benefit of being approved for use with nontraffic offenses, the Traffic Advisory Committee recommends discontinuing Form TR-110.

Based on these considerations, the Traffic Advisory Committee recommends discontinuation of Form TR-110 and adoption of rule 829; revised Forms TR-100, TR-106, TR-108, TR-115, TR-120, and TR-130; and form instructions, *Notice to Appear and Related Forms*; effective January 1, 2004; with a one-year period afterwards for agencies to implement the revised forms.

Attachments

# Attachment A

Rule 829 of the California Rules of Court is adopted, effective January 1, 2004, to read:

1	<u>Rule 829.</u>	. Notice to Appear Forms
2		
3	<u>(a)</u>	[Traffic offenses] A notice to appear that is issued for any violation of the
4		Vehicle Code other than a felony or for a violation of an ordinance of a city or
5		county relating to traffic offenses must be prepared and filed with the court on
6		Form TR-115, Automated Traffic Enforcement System Notice to Appear, or
7		Form TR-130, Traffic/Nontraffic Notice to Appear, and comply with the
8		requirements in the current version of the Judicial Council's Notice to Appear
9		and Related Forms.
10		
11	<u>(b)</u>	[Nontraffic offenses] A notice to appear issued for a nontraffic infraction or
12		misdemeanor offense that is prepared on Form TR-120, Nontraffic Notice to
13		Appear, or Form TR-130, Traffic/Nontraffic Notice to Appear, and complies
14		with the requirements in the current version of the Judicial Council's Notice to
15		Appear and Related Forms may be filed with the court and serve as a complaint
16		as provided in Penal Code section 853.9.
17		
18	<u>(c)</u>	[Corrections] Corrections to citations previously issued on a Form TR-106,
19		Continuation of Notice to Appear, Form TR-108, Continuation of Citation,
20		Form TR-115, Automated Traffic Enforcement System Notice to Appear, Form
21		TR-120, Nontraffic Notice to Appear, or Form TR-130, Traffic/Nontraffic
22		Notice to Appear, must be made on a Form TR-100, Notice of Correction and
23		Proof of Service.

# **Attachment B**

### **2000 REVISIONS**

## **OF THE**

## NOTICE TO APPEAR AND RELATED FORMS

(revised effective January 1, 2004)



## JUDICIAL COUNCIL OF CALIFORNIA

Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, California 94102-3660

# **ACKNOWLEDGMENTS**

The Administrative Office of the Courts gratefully acknowledges the contributions and cooperation of those representatives from the judicial community, law enforcement agencies, and special interest groups who made this manual possible.

# TABLE OF CONTENTS

CHAP	TER 1 PURPOSE OF FORMS	1
1.000.	DEFINITIONS	1
	In General.	
	NOTICE TO APPEAR	
1.030.	CONTINUATION FORM	1
1.040.	ELECTRONIC NOTICE TO APPEAR	2
1.050.	Notice of Correction and Proof of Service	2
СНАР	PTER 2 AUTHORITY TO PRESCRIBE FORMAT	2
	Judicial Council	
СНАР	PTER 3 REVISION DATE	3
3.010.	Judicial Council	3
СНАР	PTER 4 FORM SPECIFICATIONS	3
4.010.	Required Copies	3
4.020.	SIZE AND COLOR	<u>4</u> 3
4.030.	Paper Stock	4
4.040.	SERIAL NUMBERS	4
4.050.	PRINTING FORMAT	4
4.060.	Printing Expenses	4
СНАР	TER 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS	4 <u>5</u>
5.000.	In General	45
5.010.	PERMITTED VARIATIONS	4 <del>5</del>
5.020.	APPROVAL PROCESS	<u>5</u>
<del>5.030.</del>	Legal Sufficiency.	6
СНАР	TER 6 MANDATORY LANGUAGE/DATA FIELDS (FACE OF FORM)	
6.000.	In General.	6
6.010.	AGENCY NAME	6
6.020.	TITLE OF FORM	6
6.030.	SERIAL NUMBER	6
6.040.	MISDEMEANOR CHECK BOX	7
6.050.	DATE AND TIME	7
	DEFENDANT'S NAME	7
	Defendant's Address	
	DEFENDANT'S AGE AND BIRTH DATE	7 <u>8</u>
6.090.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION	7 <u>8</u> 7 <u>8</u>
6.090. 6.100.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION  COMMERCIAL VEHICLE	7 <u>8</u> 7 <u>8</u> 7 <u>8</u>
6.090. 6.100. 6.110.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION  COMMERCIAL VEHICLE  HAZARDOUS MATERIAL	7 <u>8</u> 7 <u>8</u> 7 <u>8</u> 8
6.090. 6.100. 6.110. 6.120.	DEFENDANT'S AGE AND BIRTH DATE DEFENDANT'S PHYSICAL DESCRIPTION COMMERCIAL VEHICLE HAZARDOUS MATERIAL VEHICLE DESCRIPTION	7 <u>8</u> 7 <u>8</u> 7 <u>8</u> 8
6.090. 6.100. 6.110. 6.120. 6.130.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION  COMMERCIAL VEHICLE  HAZARDOUS MATERIAL  VEHICLE DESCRIPTION  FINANCIAL RESPONSIBILITY	
6.090. 6.100. 6.110. 6.120. 6.130. 6.140.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION  COMMERCIAL VEHICLE  HAZARDOUS MATERIAL  VEHICLE DESCRIPTION  FINANCIAL RESPONSIBILITY  NAME OF REGISTERED OWNER/LESSEE	
6.090. 6.100. 6.110. 6.120. 6.130. 6.140. 6.150.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION  COMMERCIAL VEHICLE  HAZARDOUS MATERIAL  VEHICLE DESCRIPTION  FINANCIAL RESPONSIBILITY  NAME OF REGISTERED OWNER/LESSEE  ADDRESS OF THE REGISTERED OWNER/LESSEE	
6.090. 6.100. 6.110. 6.120. 6.130. 6.140. 6.150. 6.160.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION  COMMERCIAL VEHICLE  HAZARDOUS MATERIAL  VEHICLE DESCRIPTION  FINANCIAL RESPONSIBILITY  NAME OF REGISTERED OWNER/LESSEE  ADDRESS OF THE REGISTERED OWNER/LESSEE  CORRECTABLE VIOLATION ADVISEMENT AND CHECK BOXES	
6.090. 6.100. 6.110. 6.120. 6.130. 6.140. 6.150. 6.160. 6.170.	DEFENDANT'S AGE AND BIRTH DATE  DEFENDANT'S PHYSICAL DESCRIPTION  COMMERCIAL VEHICLE  HAZARDOUS MATERIAL  VEHICLE DESCRIPTION  FINANCIAL RESPONSIBILITY  NAME OF REGISTERED OWNER/LESSEE  ADDRESS OF THE REGISTERED OWNER/LESSEE	

6.190. Speed	9
6.200. LOCATION OF VIOLATION	<del>9</del> 10
6.210. OFFICER'S DECLARATION ON INFORMATION AND BELIEF	<del>9</del> 10
6.220. OFFICER'S DECLARATION UNDER PENALTY OF PERJURY	10
6.230. Other Officer	10
6.231. DECLARANT-AUTOMATED TRAFFIC ENFORCEMENT SYSTEM CITATIONS	10
6.240. Defendant's Signature	10
6.250. TIME TO APPEAR	<u>10</u> 11
6.260. PLACE TO APPEAR	11
6.270. NIGHT COURT	11
6.280. Legend	11
CHAPTER 7 MANDATORY LANGUAGE/DATA FIELDS	
(REVERSE OF DEFENDANT'S COPY)	11
7.010. FAILURE TO APPEAR ADVISEMENT	
7.020. What to Do	
CHAPTER 87 DISCRETIONARY LANGUAGE/DATA FIELDS	14
<b>8</b> 7.000. In General	14
87.010. BAIL STATEMENT	
87.020. Defendant's Race/Ethnicity	
87.030. DEFENDANT'S THUMBPRINT	
<del>-</del>	
CHAPTER 98 PROHIBITED LANGUAGE/DATA FIELDS	
98.010. Defendant's Social Security Number	15
APPENDIXES OF SAMPLE COUNCIL FORMS	
Appendix A Automated Enforcement System Notice to Appear, Form TR 115Notice of C	Correction and
Proof of Service, Form TR-100.	
Appendix B Continuation of Notice to Appear, Form TR 106	B
Appendix C Notice To Appear Traffic, Continuation of Citation, Form TR-110108	
Appendix D Notice to Appear Nontraffic Automated Traffic Enforcement System Noti	ce to Appear,
Form TR-120115	
Appendix E Notice to Appear - Traffic/Nontraffic Notice to Appear, Form TR-130120	<i>E</i>
Appendix F Traffic/Nontraffic Notice to Appear, Form TR-130	
F	

\_\_\_\_\_

# **Chapter 1 PURPOSE OF FORMS**

### 1.000. Definitions

For the purposes of this manual these instructions the following words are synonymous: (a) Notice to Appear; citation; (b) violation; offense; allegation; charges; (c) defendant; violator; person; individual; citee; driver; (d) court; court of jurisdiction; judicial district; (e) officer; arresting officer; citing officer; issuing officer.

### 1.010. In General

Notice to Appear forms are designed to meet statutory requirements and, to the extent possible, address the procedural requirements of local judicial districts courts and law enforcement agencies. Notices to Appear should provide the defendant with pertinent information regarding the charges and what steps the defendant must take to answer the allegations.

The uniform language and data fields assist law enforcement and the courts in the timely and accurate processing of the citation information. The design also ensures statewide conformity of advisements important to the defendant and that those advisements are clear and explicit.

## 1.020. Notice to Appear

- a) Whenever a person is arrested for any violation declared to be an infraction or misdemeanor, or for a violation of any city or county ordinance, and the person is not immediately taken before a magistrate, the arresting officer shall must prepare a Notice to Appear form. This allows the case to be cited to a court without the necessity of a physical arrest.
- b) When the Notice to Appear is prepared on a form approved by the Judicial Council it shall constitutes a complaint upon to which the defendant may enter a plea. The complaint aspect of the Notice to Appear is important because it serves as an allegation that the offense occurred within the geographic boundaries of the court's authority and that the nature of the offense is one for which the court has legal jurisdiction.

### 1.030. Continuation Form

- a) The *Continuation of Notice to Appear* or *Continuation of Citation* form shall must be used when multiple offenses are charged and the Notice to Appear form does not provide sufficient space for the listing of all the charges. A *Continuation of Citation* is a multipurpose form intended for use with either a Notice to Appear form or a Notice to Correct Violation form.
- b) A second Notice to Appear shall must not be issued in lieu of a continuation form.

<sup>&</sup>lt;sup>1</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>&</sup>lt;sup>2</sup>Per Veh. Code, § 40513(b) and Pen. Code, § 853.9.

c) The Notice to Appear and the corresponding continuation form should <u>must</u> be treated as one law enforcement document and contain the same citation number.

## 1.040. Electronic Notice to Appear

- a) The electronic Notice to Appear eliminates those citation-processing problems caused by the illegibility of handwritten information. The use of an electronic Notice to Appear also reduces the amount of information that needs to must be key entered into law enforcement and court computer systems.
- b) A court is authorized to receive and file a Notice to Appear in an electronic form if all of the following conditions are met:<sup>3</sup>
  - 1) The information is in on a format approved by the Judicial Council.
  - 2) The Notice to Appear is transmitted to the court by a law enforcement agency.
  - 3) The court has the facility to electronically store the information for the statutory period of record retention.
  - 4) The court has the ability to reproduce the Notice to Appear in physical form upon the demand and payment of the reproduction costs.

## 1.050. Notice Of Correction And Proof Of Service

Form TR-100, *Notice of Correction and Proof of Service*, must be used for any corrections to the original Notice to Appear citation. (See Appendix A.)

# Chapter 2 AUTHORITY TO PRESCRIBE FORMAT

### 2.010. Judicial Council

- a) The Judicial Council has adopted three formats for the Notice to Appear form:
  - 1) The *Traffic Notice to Appear*. This format is to be used exclusively for the eiting of traffic law violations Form TR-115, *Automated Traffic Enforcement System Notice to Appear*, to be used in conjunction with violations of sections 22451, 21453, and 22101 recorded by an automated traffic enforcement system. (See Appendix C.)
  - 2) The Form TR-120, Nontraffic Notice to Appear. As the title implies, this format is to be used for violations other than traffic offenses. (See Appendix D.)
  - 3) The Form TR-130, Traffic/Nontraffic Notice to Appear. This combination format is a convenience for law enforcement in that it

<sup>&</sup>lt;sup>3</sup>Per Pen. Code, § 959.1.

<sup>&</sup>lt;sup>4</sup>Per Veh. Code, § 40505 Per Veh. Code, § \$ 40500(b), 40513(b), and 40522.

<sup>&</sup>lt;sup>5</sup>Per Veh. Code, § 40518.

<sup>&</sup>lt;sup>56</sup>Per Pen. Code, § 853.9.

<sup>&</sup>lt;sup>7</sup>Per Veh. Code, § § 40500(b), 40513(b), 40522, and Pen. Code, § 853.9.

eliminates the need to carry two different sets of forms to be used for both infraction and misdemeanor offenses. (See Appendix E.) The electronic Notice to Appear<sup>8</sup> emulates the format of the *Traffic/Nontraffic Notice to Appear*. A computer generated paper citation is issued to the defendant at the time of arrest.

- b) The continuation form may be used Form TR-106, Continuation of Notice to Appear, and Form TR-108, Continuation of Citation, are intended for use in conjunction with Traffic, Nontraffic, and Traffic/Nontraffic Notice to Appear forms. (See Appendix B.)
- c) The electronic Notice to Appear<sup>7</sup>-emulates the format of the *Traffic/Nontraffic Notice* to Appear. A computer generated paper citation is issued to the defendant at the time of arrest.
- d) The Automated Enforcement Systems Notice to Appear may be used in conjunction with violations of sections 22451, 21453 and 22101 recorded by an automated enforcement system. (See Appendix A.)
- e)c) The Judicial Council has not adopted a form for, nor established guidelines governing, the following: (1) parking citations, (2) arrest/booking reports, and (3) court bail courtesy notices.

# **Chapter 3 REVISION DATES**

### 3.010. Judicial Council

- a) Periodically, the Judicial Council will adopt revisions of Notice to Appear forms. Law enforcement shall <u>must</u> use the revised Notice to Appear form within one year of it being adopted by the Judicial Council. (See section 6.030 for exception.) This policy will allow law enforcement time to deplete any existing supplies of the old form, print and disseminate new forms, and, if necessary, develop new procedures and train personnel regarding the revisions.
- b) January 1, 20004, is the effective date of the most recently adopted forms.

# **Chapter 4 FORM SPECIFICATIONS**

### 4.010. Required Copies

The arresting officer shall <u>must</u> prepare the Notice to Appear form, at a minimum, in triplicate for Vehicle Code violations<sup>9</sup> and in duplicate for all other violations. <sup>10</sup> In practice, many law enforcement agencies use a four-part form: a copy for the court, the police agency, the citing officer, and the defendant. Before printing Notice to Appear forms, law enforcement agencies should contact their local court to determine if there are any local requirements for the court's case management system.

<sup>7</sup>Per Pen. Code, § 959.1.

<sup>&</sup>lt;sup>68</sup>Per Pen. Code, § 959.1.

<sup>&</sup>lt;sup>8</sup>Per Veh. Code. ₹ 40518.

<sup>&</sup>lt;sup>9</sup>Per Veh. Code, § 40500(a).

<sup>&</sup>lt;sup>10</sup>Per Pen. Code, § 853.6.

### 4.020. Size and Color

The size and color of Notice to Appear copies should conform with the requirements of the courts in which they are filed. The Judicial Council recommends the following form specifications:

- a) A "trim" size of 4 1/4 inches wide and 7 1/2 inches long; 5/8-inch tabs on the top or bottom of the form.
- b) Original (Court's copy) white, 15-pound paper stock. Print head-to-head.
- c) Duplicate (Police agency's copy) pink, 15-pound paper stock. No printing on reverse.
- d) Triplicate (Officer's copy) green, 15-pound paper stock. Print reverse head-to-head.
- e) Quadruplicate (Defendant's copy) yellow, 20-pound paper stock. Print reverse head-to-head.
- f) The colors of the "Court's copy" and "Police agency's copy" correspond with rule 1:3-1 of the "Model Rules Governing Procedure in Traffic Cases" adopted by the National Conference of Commissioners on Uniform State Laws.

## 4.030. Paper Stock

Paper stock shall for hand-written citations must be pressure sensitive and have a shelf life of at least five years. Copies shall The citation text must be reproducible on photocopy equipment.

### 4.040. Serial Numbers

- a) The serial numbers of the form sets shall <u>must</u> be sequential and without "skips." There shall <u>must</u> be no "duplication" of numbers between form sets.
- b) The format of the serial numbers is at the discretion of local law enforcement with the approval of the court.

## 4.050. Printing Format

- a) A vertical format is required, except for the Proof of Service on Form TR-100, which is printed horizontally to facilitate mailing.
- b) All text on the forms shall must be printed in black ink.

# 4.060. Printing Expenses

The printing of the forms and the associated costs are not the responsibility of the Judicial Council; printing is to be arranged in accordance with local custom.

# Chapter 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS

### 5.000. In General

Generally, mMandatory language and data fields are indicated on examples of Judicial Council adopted forms by unshaded areas; see section 5.010(a) for exceptions.

### 5.010. Permitted Variations

a) To meet the unique customs and/or needs of local law enforcement agencies and judicial districts courts, the Judicial Council does form permits limited variations in the "time," "place," and "proof of correction certification" data fields, among others. To indicate that variations may be permitted, these data fields are identified by shaded areas. Shading should not appear on proposed printed forms. (See section 5.020 regarding the process for obtaining approval of proposed variations.)

b) Preprinting of, or changes in, the name, address, or telephone number of the law enforcement agency or the court of jurisdiction do not require approval from the Judicial Council.

## 5.020. Approval Process

a) A draft of the proposed form (face of form, reverse of defendant's copy, and reverse of court's copy) should be directed to:

Traffic
Administrative Office of the Courts
Trial Court Services Division
455 Golden Gate Avenue
San Francisco, California 94102-3660
OR
Fax 415-865-4330

- b) The request for approval shall include the name and telephone number of a contact person.
- c) The Judicial Council has authorized the Director of the Administrative Office of the Courts (AOC) to approve minor and inconsequential changes in the language of mandatory data fields.
- d) A request for a proposed minor or inconsequential change must have the mutual consent of both law enforcement and the court of jurisdiction before it is submitted to the Judicial Council for approval. The request for approval shall contain a statement verifying that both the court and the law enforcement agency are in mutual agreement to the proposed change.
- e) If no clarification is required regarding the proposed change(s), the administrative review will be completed within 30 days from the receipt of the request. After the review process is completed, all requests will receive written correspondence either approving the requested change(s) or identifying the reason for disapproval.

f) Within 30 days of printing, the entity that received approval for the proposed form shall cause a copy of the approved form to be sent to the address stated in section 5.020(a).

## 5.30. Legal Sufficiency

Approval is vested in the Judicial Council pursuant to specific code sections, and approval of the forms containing material not expressly mandated by statute does not reflect Judicial Council opinion or position on the legal sufficiency of the added material.

# Chapter 6 MANDATORY LANGUAGE/DATA FIELDS (FACE OF FORMS)

### 6.000. In General

The mandatory language and data fields vary between the various Notice to Appear forms depending on the purpose of the form. All language and data fields in unshaded areas on the examples of approved forms are mandatory, even if not discussed below. Mandatory text or data fields of the forms may not be re-worded or omitted, except for references to statutory authorities, which may be abbreviated differently. Electronic Notice to Appear forms may abbreviate terms and have minor alterations to formatting to facilitate printing of forms.

Law enforcement agencies should be aware that if a written Notice to Appear is not prepared on an approved council form, a court may conclude that it does not constitute a complaint to which a defendant may enter a plea. (Veh. Code, § 40513(b).) If a defendant pleads other than "guilty" or "nolo contendere" and the court concludes that the Notice to Appear is defective, it could be necessary to re-file the charges by a formal complaint. (Veh. Code, § 40513(a).)

### 6.010. Agency Name

The name of the citing agency and jurisdiction shall must appear near the top of the form.

### 6.020. Title of Form

The title of the form shall must be printed near the top of the form.

### 6.030. Serial Number

- a) A sequential serial number for each multipart set of Notice to Appear forms shall must appear horizontally near the top right corner of each form.
- b) To facilitate the filing systems of some courts, statewide law enforcement agencies shall must also print the serial number in the lower right margin of the court's copy. Statewide law enforcement agencies shall must comply with this requirement as specified in section 3.010. Local law enforcement agencies shall must comply with the requirement for the duplication of the serial number in the right margin within one calendar year of a request from a local court.

- c) The serial number may be preprinted on the Notice to Appear.
- d) The serial number on the continuation form shall <u>must</u> be the same as that on the corresponding Notice to Appear; the duplication of the serial number in the right margin is not required.
- e) Bar coding of the serial number permits those courts with bar code readers to improve the timeliness and accuracy of processing Notice to Appear forms. Within the following parameters, the bar coding of the serial number shall must be placed on the face of the court's copy of the Notice to Appear form:
  - 1. The bar code shall <u>must</u> appear as near as practical to the bottom of the form.
  - 2. The bar code should have a 1/4-inch area (quiet zone) that is clear and free of all printing preceding the start character and the following stop character.
  - 3. Statewide law enforcement agencies shall <u>must</u> comply with the bar code requirement as specified in section 3.010.
  - 4. Local law enforcement agencies shall <u>must</u> comply with the bar code requirement within one calendar year of a request from a local court.

### 6.040. Misdemeanor Check Box

To facilitate processing, the citing officer shall <u>must</u> check the misdemeanor box at the top of the Notice to Appear if one of the offenses charged is a misdemeanor. The misdemeanor check box does not appear on the automated <u>traffic enforcement system</u> notice.

### 6.050. Date and Time

- a) The date and time of the issuance of the Notice to Appear shall <u>must</u> be indicated near the top of the form.
- b) The "Date of Violation" data field shall must be: Mo./Day/Yr.
- c) A check box "A.M./P.M." format is provided as an optional field to indicate the time. Indicating the time in the form of "A.M./P.M." is more discernible to easily understood by most defendants than the use of the 24 hour clock (military time).

### 6.060. Defendant's Name

- a) The defendant's name is required on the Notice to Appear.<sup>11</sup>
- b) The sequence of the defendant's name shall <u>must</u> be First/Middle/Last. This sequence corresponds with the California Driver License/Identification Card.

### 6.070. Defendant's Address

a) The defendant's address shall must be indicated on the Notice to Appear. 12

<sup>&</sup>lt;sup>11</sup>Per Veh. Code, § § 40500(a), 40518(b) and Pen. Code, § 853.6.

<sup>&</sup>lt;sup>12</sup>Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

\_\_\_\_\_

b) The address shall <u>must</u> be the defendant's mailing address. The mailing address allows the court to mail a courtesy notice and/or other correspondence to the defendant.

c) A street address may also be indicated in addition to the mailing address.

## 6.080. Defendant's Age and Birth Date

- a) The defendant's age and birth date is required on the Notice to Appear. The sequence of the birth date shall must be: Mo./Day/Yr.
- b) The birth date data field is designed to accept a numerical entry.

## 6.090. Defendant's Physical Description

- a) The defendant's sex, hair, color of eyes, height, and weight are required on the Notice to Appear. See section 8.020 for the policy regarding the defendant's race/ethnicity.
- b) Data fields for the recording of the defendant's physical description are designed to accept the standard abbreviations of physical descriptors.

### 6.100. Commercial Vehicle

The Notice to Appear shall indicate whether <u>If</u> the vehicle involved in the <u>an</u> offense <u>when</u> <u>a notice to appear is issued</u> is a commercial vehicle. When appropriate, the citing officer <u>shall must</u> mark the check box within the data field, "**COMMERCIAL VEHICLE** (Veh. Code, § 15210(b))."

### 6.110. Hazardous Material

The Notice to Appear shall indicate whether <u>If</u> the vehicle involved in the <u>an</u> offense <u>when</u> <u>a notice to appear is issued</u> was transporting hazardous material. The Department of <u>Motor Vehicles requested that law enforcement make such an indication effective January 1, 1989. When appropriate</u>, the citing officer <u>shall must</u> mark the check box within the data field, "**HAZARDOUS MATERIAL** (Veh. Code, § 353)".

## 6.120 Vehicle Description

The year, make, and body style of the vehicle operated by the defendant at the time of the offense shall must be indicated on the Notice to Appear. 14

## 6.130. Financial Responsibility

The officer shall must write the driver's evidence of financial responsibility on the Notice to Appear. A person issued a Notice to Appear for a violation of this section may submit to the clerk of the court, in person or by mail, written evidence that the driver was in compliance with this section at the time of the citation.

8

<sup>&</sup>lt;sup>13</sup>Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement of indicating if offense involves a motor vehicle is per Veh. Code, § 40300.2.

<sup>&</sup>lt;sup>14</sup>Per Veh. Code, § 40500(a).

<sup>&</sup>lt;sup>15</sup>Per Veh. Code. § 16028.

## \_\_\_\_\_

# 6.140. Name of Registered Owner/Lessee

- a) The Notice to Appear shall must contain the name of the registered owner or lessee. 16
- b) The name shall <u>must</u> be indicated on the Notice to Appear in the following sequence: First/Middle/Last.

## 6.150. Address of the Registered Owner/Lessee

- a) The address of the registered Owner/Lessee shall <u>must</u> be indicated on the Notice to Appear. <sup>17</sup>
- b) The address shall must be the registered owner's mailing address.

### 6.160. Correctable Violation Advisement and Check Boxes

- a) Whenever a person is arrested for violations specified in Vehicle Code section 40303.5 and none of the disqualifying conditions set forth in Vehicle Code section 40610(b) exist, and the officer issues a Notice to Appear, the notice shall must specify the offense charged and note in a form approved by the Judicial Council that the charge shall will be dismissed upon proof of correction.<sup>18</sup>
- b) For offenses identified in Vehicle Code section 40303.5 the citing officer shall must indicate by marking the appropriate check box whether or not the offense is eligible for dismissal upon proof of timely correction. Marking the "no" box denotes that disqualifying conditions specified in Vehicle Code section 40610(b) exist.
- c) The correctable violation advisement and the check boxes do not appear on the *Automated Traffic Enforcement System* notice.

## 6.170. Booking Required

The officer may either book the arrested person prior to release, or indicate on the Notice to Appear that the arrested person shall <u>must</u> be booked.<sup>19</sup> The booking required check box does not appear on the *Automated Traffic Enforcement System* notice.

### 6.180. Violations

The Notice to Appear shall must state the offenses charged.<sup>20</sup>

### 6.190. Speed

A Notice to Appear charging a speeding violation shall <u>must</u> specify the approximate speed, prima facie or maximum speed, and any other speed limit exceeded.<sup>21</sup>

a) The safe "speed box" is provided so that the officer can indicate a speed different from the maximum or prima facie (posted) speed when the Notice to Appear is prepared charging a violation of the basic speed law (Veh. Code, § 22350). Conditions

<sup>&</sup>lt;sup>16</sup>Per Veh. Code, § 40500(a).

<sup>&</sup>lt;sup>17</sup>Per Veh. Code, § 40500(a).

<sup>&</sup>lt;sup>18</sup>Per Veh. Code, § 40522.

<sup>&</sup>lt;sup>19</sup>Per Pen. Code, § 853.6.

<sup>&</sup>lt;sup>20</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>&</sup>lt;sup>21</sup>Per Veh. Code. § 40503.

affecting the safe speed limit should be noted on the Notice to Appear (e.g., fog, rain, etc.).

- b) When charging a speed violation, enter is charged, both the approximate speed and the prima facie speed applicable to the street or highway should be indicated.
- c) Enter Entry of the maximum speed limit pertaining to the particular type of vehicle, or combination of vehicles, <u>is</u> only <u>required</u> if the defendant is cited for exceeding the speed limit for that vehicle.

### 6.200. Location of Violation

The Notice to Appear shall <u>must</u> state the location of where the offenses charged occurred.

### 6.210. Officer's Declaration on Information and Belief

The officer shall <u>must</u> indicate on the Notice to Appear (check box) when the offense was not committed in his/her presence and that his/her declaration is on information and belief. A citizen's complaint is an example of a situation that may result in the officer checking the box. The declaration is separate and distinct from the officer's declaration under penalty of perjury discussed in section 6.220.

## 6.220. Officer's Declaration under Penalty of Perjury

The Notice to Appear shall <u>must</u> contain the officer's declaration, under penalty of perjury, subscribed by the officer, that the information regarding the violations is true and correct.<sup>22</sup>

### 6.230. Other Officer

The name of the arresting officer, if different than from the name of the officer completing the Notice to Appear, shall must be stated on the Notice to Appear. This policy was adopted to address situations in which there are teams of officers working radar enforcement or aerial patrol. This option is not available on the *Automated Traffic Enforcement System Notice to Appear*. (See section 6.231.)

### 6.231. Declarant-Automated Traffic Enforcement System Citations

The name of the government agency or law enforcement representative making the declaration, "Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence," shall must be stated on the Automated Traffic Enforcement System Notice to Appear.

# 6.240. Defendant's Signature

To secure release from arrest, the defendant must give his/her written promise to appear.<sup>23</sup> This option does not apply to citations issued for violations recorded by an *Automated Traffic Enforcement System Notice to Appear*.

\_

<sup>&</sup>lt;sup>22</sup>Per Code Civ. Proc., § 2015.5.

<sup>&</sup>lt;sup>23</sup>Per Veh. Code, § 40504 and Pen. Code, § 853.6.

\_\_\_\_\_

## 6.250. Time to Appear

a) The time specified in a *Traffie* Notice to Appear <u>issued for a traffic offense shall must</u> be a specific date which is at least 21 days after arrest; the court having jurisdiction over the offense charged may authorize the arresting officer to specify on the Notice to Appear that the appearance may be made before the time specified.<sup>24</sup>

- b) When a Notice to Appear has been issued for a violation recorded by an automated traffic enforcement system, it must be mailed within 15 days of the violation date to the current address of the registered owner of the vehicle on file with the Department of Motor Vehicles, with a certificate of mailing obtained as evidence of service. The time to appear shall must be at least ten days after the Notice to Appear is delivered. 26
- c) The time to appear placed on the *Nontraffic Notice to Appear* shall or on a <u>Traffic/Nontraffic Notice to Appear</u> for a nontraffic offense must be at least 10 days after the date of arrest for a nontraffic violation. (Pen. Code, § 853.6.)
- d) In the case of juveniles, the court having jurisdiction over the offense charged may require the arresting officer to indicate on the Notice to Appear "to be notified" rather than a specific date.<sup>27</sup>

## 6.260. Place to Appear

The place specified on the Notice to Appear shall <u>must</u> be one of the following:

- a) Before a magistrate or judge.<sup>28</sup>
- b) Before a person authorized to receive a deposit of bail.<sup>29</sup>
- c) Before the juvenile court, juvenile court referee, or juvenile traffic hearing officer.<sup>30</sup>

# 6.270. Night Court

If the court identified in the Notice to Appear holds night sessions, the notice shall <u>must</u> include a statement advising the defendant.<sup>31</sup>

## 6.280. Legend

The legend at the lower left corner of the Notice to Appear forms must denotes that the form is a Judicial Council approval form and specify the council's form number. On electronic Notice to Appear forms, the approval legend may appear near the top of the form.

<sup>&</sup>lt;sup>24</sup>Per Veh. Code, § 40501(a).

<sup>&</sup>lt;sup>25</sup>Per Veh. Code, § 40518(a).

<sup>&</sup>lt;sup>26</sup>Per Veh. Code, § 40518(b).

<sup>&</sup>lt;sup>27</sup>Per Veh. Code, § 40501(b).

<sup>&</sup>lt;sup>28</sup>Per Veh. Code, § 40502(a − b) and Pen. Code, § 853.6.

<sup>&</sup>lt;sup>29</sup>Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.

<sup>&</sup>lt;sup>30</sup>Per Veh. Code, § 40502(d).

<sup>&</sup>lt;sup>31</sup>Per Veh. Code, § 40502(d).

# Chapter 7 MANDATORY LANGUAGE/DATA FIELDS (REVERSE OF DEFENDANT'S COPY)

### 7.010. Failure to Appear Advisement

The reverse of the defendant's copy of the Notice to Appear and continuation form shall contain an advisement regarding the penalties for failing to appear as promised:

## a) Traffic Notice to Appear form:

"WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer."

### b) Traffic/Nontraffic Notice to Appear form:

"WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 and Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer."

### c) Nontraffic Notice to Appear form:

"WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)"

34

### 7.020. WHAT TO DO

The reverse of the defendant's copy of the *Traffic Notice to Appear* form shall contain information regarding options available to recipients of Notices to Appear as follows:

### "1. If you do NOT contest the violation:

**a.** (Pay the bail amount) Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.

**b.** (**Traffic school**) You may be able to avoid the point count by completing traffic school. You must pay the bail amount, and you may have to pay other fees. After you attend traffic school, the violation will be dismissed and the point count will not be added to your DMV record. Contact the court to request traffic school.

e. (Correctable violations) If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of

<sup>&</sup>lt;sup>32</sup>Per Veh. Code. § 40508.

<sup>&</sup>lt;sup>33</sup>Per Veh. Code, § 40508 or Pen. Code, § 19 and § 853.7

<sup>&</sup>lt;sup>34</sup>Per Pen. Code. § 19 and § 853.7.

the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

### 2. If you contest the violation (select a or b):

a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. You will be required to submit the bail amount.

### —OR—

b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the appearance date to request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case."

The reverse of the defendant's copy of the *Traffic/Nontraffic Notice to Appear* form shall contain information regarding options available to recipients of Notices to Appear as follows: "1. If you do NOT contest the violation:

- **a.** (Pay the bail amount) Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.
- **b.** (Traffic school) You may be able to avoid the point count by completing traffic school. You must pay the bail amount, and you may have to pay other fees. After you attend traffic school, the violation will be dismissed and the point count will not be added to your DMV record. Contact the court to request traffic school.
- c. (Correctable violations) If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed only upon (1) your showing or mailing to the court evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

### 2. If you contest the violation (select a or b):

**b.** (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. You will be required to submit the bail amount.

### —<del>OR</del>—

b. (Trial by written declaration (traffic cases)) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the appearance date to request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and to submit other

evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case."

The reverse of the defendant's copy of the *Automated Traffic Enforcement System Notice* to *Appear* shall contain information regarding available options as follows:

### "1. If you do NOT contest the violation:

- **a.** (Pay the bail amount) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected.
- **b.** (Traffic school) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. After your completion of traffic school, the violation will be dismissed and the point count will not be added. You may be eligible to attend traffic school if you have not already attended in the past 18 months. Contact the court to request traffic school. You must pay the bail amount, and you may have to pay other fees.

### 2. If you contest the violation (select one):

**a.** (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.

### -OR-

b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case."

# **Chapter 8 DISCRETIONARY LANGUAGE/DATA FIELDS**

## 8<u>7</u>.000. In General

The discretionary (shaded) areas on the forms (see Appendix) depict language and data fields that are frequently included at the option of the court or law enforcement agency (with the consent of the court in which the Notice to Appear is to be filed). The adoption of discretionary language or data fields does not require approval from the Judicial Council.

Because of limited space, not all of the discretionary language and data fields used throughout the state can be shown on the sample forms. The following are narrative descriptions of several discretionary data fields.

### 87.010. Bail Statement

If the offense is bailable, the magistrate shall must fix the amount of bail and endorse the following statement on the warrant for arrest. 

BAIL:

\_

<sup>&</sup>lt;sup>35</sup> Per Pen. Code, § 815(a).

,	The defendant is to be admitted to bail in the sum of	dollars.	
-	Judge		

Note: The mandatory requirement that the above statement appear on the reverse of the court's copy disrupts the processing of Notice to Appear forms in those automated courts that use the space for cash register validations, automated traffic system notations, and notes of court proceedings. These courts use a separate form when issuing a warrant for arrest. For those reasons, the warrant for arrest statement is now discretionary.

## 87.020. Defendant's Race/Ethnicity

- a) A specific data field for the defendant's "Race" or "Ethnicity" may be added to the Notice to Appear form. The data field should be located on the same line as other physical descriptors.
- b) The defendant's "Race" or "Ethnicity" may be indicated in the "Other Description" data field.
- c) If the defendant's "Race" or "Ethnicity" is to be indicated, the Judicial Council recommends the use of a single alpha character. Reference: California Department of Justice's Arrest and Disposition Instruction Manual.

## 87.030. Defendant's Thumbprint

- a) The defendant's thumbprint may be placed on the Notice to Appear in situations in which there is a question in the citing officer's mind as to the true identity of the defendant. The court will then have the option of comparing thumbprints in those cases where the defendant alleges that another person has committed the cited offense. 33
- b) The Judicial Council recommends that the thumbprint be placed in a one-inch square area located on the reverse of the court's copy in the lower left corner.
- c) It is estimated that obtaining a thumbprint in the field would require between two and three minutes. Chemically (inkless) treated thumbprint pads will cost between \$6 and \$20 per pad depending on the manufacture. Approximately 1,000 thumbprints can be taken from one pad.
- <u>d)c)</u> The thumbprint item does not appear on the *Automated Traffic Enforcement System Notice to Appear*.

# Chapter 98 PROHIBITED LANGUAGE/DATA FIELDS

# 98.010. Defendant's Social Security Number

The defendant's social security number shall <u>must</u> not be indicated on the Notice to Appear, unless the social security number is also the driver license number and/or the defendant holds a commercial driver license.

15

<sup>&</sup>lt;sup>33</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

To protect an individual's civil rights, federal statutes allow a very restricted compulsory use of a person's social security number for the purpose of establishing identity. 3634

Federal statutes do permit an agency having administrative responsibility for driver license and motor vehicle registration laws to use a person's social security number to establish that person's identity as it relates to the laws within the agency's jurisdiction. 3735

The California Department of Motor Vehicles requires an individual to disclose his or her social security number in order to obtain a commercial driver license or identification card. A number of other states use the individual's social security number as the driver license number.

<sup>36</sup>/<sub>34</sub>Per Public Law 93-579, § 7.

 $<sup>^{3735}</sup>$ Per 42 USC § 405, (c)(2)(c)(i)–(iv).

<sup>&</sup>lt;sup>3836</sup>Per Veh. Code, §§ 1653.5 and 12801.

# APPENDIXES OF SAMPLE COUNCIL FORMS

Appendix A Automated Enforcement System Notice to Appear—TR-115Notice of Correction and Proof of Service, Form TR-100

ALIFORNIA	Original to Court	I declare under i Date:	On (date): depositing it in a	I am at least 18 the mailinα took	
COOF OF SERVICE 605)  IENT/AGENCY:	Defendant's ,	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  Date:	On (date): , I served this Notice of Correction on the parties at the adddress listed below depositing it in a sealed envelope, postage prepaid, with the United States Postal Service at (city and state):	l am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailinα took place. Mv business address is:	
iolation was issued to you e): error as indicated by f correction does not equired court	Address:	e laws of the State of	served this Notice of Correction on the parties at the adddress listed below by $\mathbb{I}_{\mathbb{P}}$ , postage prepaid, with the United States Postal Service at (city and state):	o this action, and I am	PROOF OF SERVICE
nould be changed from anged from	ହୁ	California that the	n on the parties at ited States Postal	a resident of or er	CE
nanged from  e laws of the State of	(SIGNATORE)	foregoing is true and	the adddress listed I Service at (city and s	mployed in the count	
(Signature of officer)		correct.	below by □ state):	y where	

NAME OF COURT:					
STREET ADDRESS:					
MAILING ADDRESS:					
CITY AND ZIP CODE:					
BRANCH NAME:					
TELEPHONE:					
	PEOPLE OF THE STATE OF CALIFORNIA VS.				
DEFENDANT:					
NOTICE OF CORRECTION AND PROOF OF SERVICE (Vehicle Code, § 40505)					
AMENDING OFFICER NAME/ID NO.:	DEPARTMENT/AGENCY:				
CITATION NUMBER:	CASE NUMBER:				

 A Notice to Appear/Notice to Correct Violation was issued to you by an officer of this department on (date):

2.	The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.
	Date/time of violation should be
	Date/time of court appearance should be changed from

10
Violation section(s) should be changed from
to
Location of violation should be changed from

to

Other (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Form Adopted for Mandatory Use Judicial Council of California TR-100 [Rev. January 1, 2004]

Date:

# 

# CONTINUATION OF NOTICE TO APPEAR

(Face of Violator's Copy)

COI		ency and Juris TION OF R	NOTICE	⊟Traf	☐ MISDEMEANO	OR (Citation	No
Date 1.	1	1	Time	AM PM	Day of Week SMTWTFS	Case No.	
Name 2.	e (First, Mi	ddle, Last)					
Veh. 3.	Lic. No. or	VIN				State	
Corre	ectable Viol	lation (Veh. Cod	le, § 40610)			Misdemeanor	r or
es	No	Code and S	Section	Descri	ption	Infraction (Circ	
						M	ı
						M	ı
						M	ı
						M	ı
						M	ı
		,				M	ı
						M	I
						M	ı
						M	ı
						M	ı
						M	ı
						M	ı
						M	ı
						M	ı
						М	ı
						M	ı
						М	I
21. Violations not committed in my presence, declared on information and belief.  I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.							
4 <u> </u>		Arre	sting or Citing (	Officer		Serial No.	
3	Date				erent from Citing Offic		Ţ
1.	WITHOU INDICAT X Signat	ED.	BUILT, I PROM	IISE TO A	PPEAR AT THE TIME	AND PLACE	

### CONTINUATION OF NOTICE TO APPEAR

(REVERSE OF VIOLATOR'S COPY)

### **IMPORTANT — READ CAREFULLY**

This form is used when multiple offenses are charged and the original notice to appear form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court if PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date.

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed upon your showing to the court that evidence of financial responsibility was valid at the time this citation was issued.

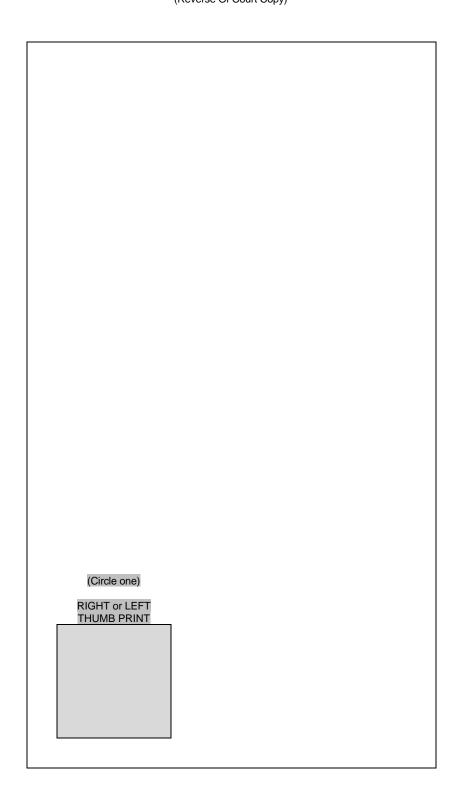
Proof of correction should be obtained for driver license, registration, and equipment violations. CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

#### METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):

- 1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
- Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
   Registration and driver license violations may also be certified as corrected by an office of the
- Registration and driver license violations may also be certified as corrected by an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
- 4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at \_\_\_\_\_\_ (fill in location) during regular business hours.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)					
Section(s)	Signature of Person Certifying Correction				
Violated	Certifying Correction	Serial No.	Agency	Date	

# CONTINUATION OF NOTICE TO APEAR (Reverse Of Court Copy)



Appendix C *Notice to Appear — Traffic*, Form TR-110 Continuation of Citation, Form TR-108

# CONTINUATION OF CITATION

(Face of Violator's Copy)

CO	me of Agency an	nd Jurisdiction)  NOTICE TO APPEAR  NOTICE TO CORRECT VIOLATION   Traffic   Nontraffic	ANOR (Citation No.)			
Date 1	of Violation	/ Time □ AM □ Day of Week □ Case N □ PM □ S M T W T F S	No.			
Nam 2	ne (First, Middle,					
	Lic. No. or VIN	Stat	te			
Corr	ectable Violation	n (Veh. Code, § 40610)				
Yes	No	Code and Section Description	Misdemeanor or Infraction (Circle)			
4[			M I			
5 <u>-</u>			M I			
6			M I			
7:0			M I			
8[			M I			
9[□			M I			
10			M I			
11.			M I			
12:□			M I			
13.			M I			
□ 14!□			M I			
15! 🗆			M I			
16! <sup>□</sup>			M I			
17			M I			
18! <sup>□</sup>			M I			
19			M I			
20			M I			
	21 □ Violations not committed in my presence, declared on information and belief.  I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.					
22		Arresting or Citing Officer	Serial No.			
23	/ / Date	Name of Arresting Officer, if different from Citing Officer	Serial No.			
24		DMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AN				
	cial Council of Calif	ornia Form He && 40500(h) 40513(h) 40522 40600 40610(d) 40618: Pen Code & 853.9)	SEE REVERSE			

### CONTINUATION OF CITATION

(Reverse of Violator's Copy)

### IMPORTANT—READ CAREFULLY

This form is used when multiple offenses are charged and the original Notice to Appear/Notice to Correct Violation form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR/NOTICE TO CORRECT VIOLATION FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS ON A NOTICE TO APPEAR: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court if PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date. Proof of correction should be obtained for driver license, registration, and equipment violations. CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed only upon (1) your showing or mailing to the court evidence of financial responsibility valid at the time this notice to appear was issued and (2) your payment of a transaction fee.

CORRECTABLE VIOLATIONS ON A NOTICE TO CORRECT VIOLATION: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) must be corrected and PROOF OF CORRECTION must be provided to the law enforcement agency's office designated on the reverse side of the Notice to Correct Violation form within 30 days in order to have the violation cleared. Proof of correction should be obtained for driver license, registration, and equipment violations. CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

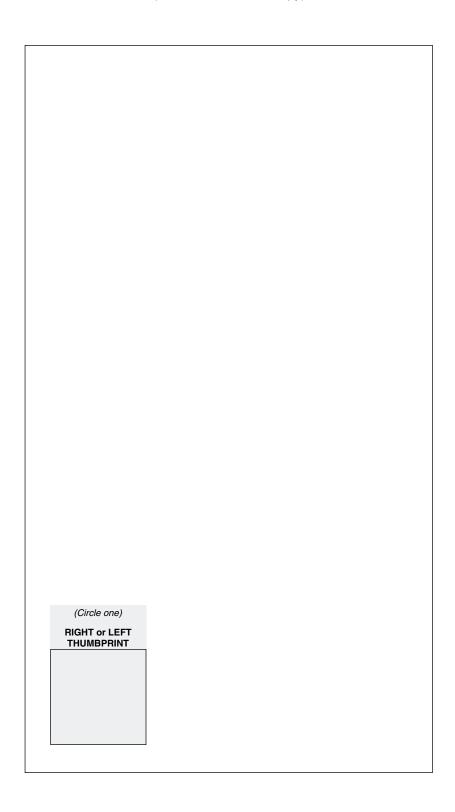
### METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):

- 1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
- 2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
- 3. Registration and driver license violations may also be certified as corrected at an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.4. Proof of correction, except for violations that must be cleared at a certified inspection and installation

CERTIFICATE OF CO	PRRECTION (MUST BE RETURNE	D TO: 🗆 COUR	T, 🗆 CITING	AGENCY)
Section(s)	Signature of Person	O a si a l N a		Dete
Violated	Certifying Correction	Serial No.	Agency	Date

# **CONTINUATION OF CITATION**

(Reverse of Court's Copy)



\_\_\_\_\_

Appendix D <u>Automated Traffic Enforcement System</u> Notice to Appear—<u>Nontraffic</u>—, Form TR-120115

# TRAFFIC NOTICE TO APPEAR Automated Traffic Enforcement System

(NAME O																
NOTIC	E TO	) AP	PEA	ιR	Au	tomat	ted	Tra	affic	Enf	orc	eme	ent		(Citati	on No.)
Date of Viol		/		Time		□ A □ P			ay of W <b>MTW</b>		s	Cas	se No	•		
Name (First 2.	, Middl	e, Last)														
Address 3.																
City 4.					Stat	е		ZIP	Code							
Driver Lic. N 5.	10.		S	tate	CI	ass	Ag	je	Birth	n Da	te /					
Sex 6.																
Veh. Lic. No 7.	or VII	N			,	State									<b>AL VE</b> § 152	<b>HICLE</b> 10(b))
Yr. of Veh. 8.		Make		Model		Body S	Style	•	Color						<b>S MA</b> 7 § 353	ΓERIAL
Registered 9.	Owner	or Lesse	ee													
Address 10.																
City 11.								5	State			ZIP C	ode			
Code and S	ection	ı				Desci	riptio	on								
Location of	Location of Violation at City/County of Occurrence															
based or	Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.															
Date Issu 14.	ied				D	eclarant									ID N	0.
YOU MUST	RESP	OND TO	THE (	COUR	T OI	N OR BE	FOI	RE:								
15. WH	EN: DA	NTE:								_	Tir	ne:			_□AM	□PM
WHAT TO E	00: FO	LLOW T	HE IN	STRU	CTIC	NS ON	THE	RE'	VERSE							
16. WHERE: [Name of court[s]]																
				FP(	0	Baro	coc	de								
Judicial Counc	cil of Cali	ifornia For	m										DE			Γ COPY VERSE
Rev. 01-01-04																TR-115

## TRAFFIC NOTICE TO APPEAR Automated Traffic Enforcement System

## IMPORTANT—READ CAREFULLY

## This Citation Is Based on Photographic Evidence

The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact:

If you were not driving the vehicle at the time of the violation,

#### WHAT TO DO

You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase. 1. If you do NOT contest the violation

- a. (Pay the bail amount) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely
- b. (Traffic school) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount, and you may have to pay other fees.

### 2. If you contest the violation (select one)

- a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.
- b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.

#### WRITING TO THE COURT

If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. Do not send your copy of the citation. Keep it for your own records.

#### BAIL INFORMATION

The "bail" is the amount you must pay or deposit for the charged violation.

Bail Amount: \$ OR [See enclosed information]

Make the check or money order payable to

Write the citation number and your driver license number on your check or money order. You may deposit the bail in person, by mail or by phone

NIGHT COURT TRIALS [are] [are NOT] available for this citation.

### **JUVENILES**

If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at

### **ONLINE INFORMATION**

You may obtain additional information at [Local Web site: \_\_\_\_\_

Appendix E  $\frac{Notice\ to\ Appear\ --\ Traffic\ Nontraffic\ Notice\ to\ Appear\ }{130\underline{120}}$ 

# NONTRAFFIC NOTICE TO APPEAR

(Face of Court's Copy)

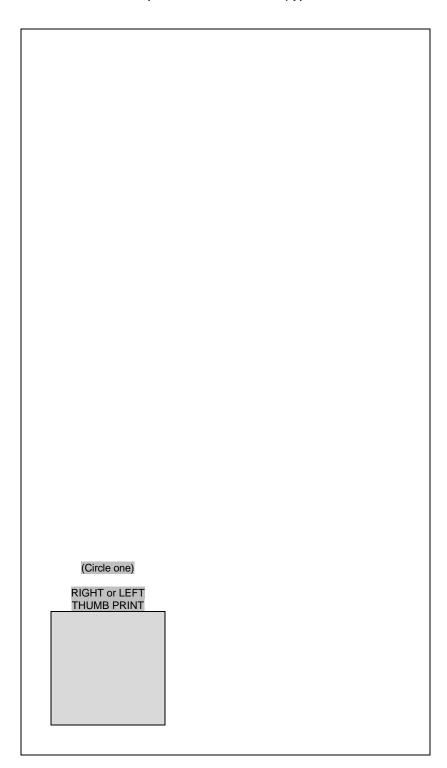
(Name of Agency and Jurisdiction)  NOTICE TO APPEAR  Nontra						ntraf		SDEMEA	ANOF		Citation No.)
Date	e of Violatio		Time		□ AM		Day of \				Case No.
1. Nam	ne (First, Mic	ddle, Last)				5	S M I	WTF	· S		
2. Add	Iress										
3.	11633										
City 4.	′			S	State		ZI	P Code			
Driv 5.	er Lic. No.		State	Class	Age		Birth D	ate /	(	luvenile )	e (Phone No.)
Sex 6.	(	Hair	Eyes	Height		Weig	ght	Race		Other [	Description
	0-4-	O-di-		December			•				emeanor
	Code	Ordina	ince	Description	on					Intracti M	on (Circle)
7. 8.										M	<u> </u>
										М	
9										М	<u> </u>
11.										М	<u> </u>
12.										М	I
13.										М	1
14.										М	I
15.										М	I
16.										М	I
17.										М	1
18.										М	I
Evid	dence Seize	t				В	ooking	Require	ed		
Location of Violation(s)  City/County of Occurrence											
Con	Comments 21.										
☐ Violations not committed in my presence, declared on information and belief.											
	clare under p	penalty of perju	ry under the lav	ws of the S	tate of (	Califo	ornia th	e forego	ing is	true an	d correct.
23.		Arrest	ing or Citing Of	ficer			_	Seria	al No.		to Dates Off
24.	/ /		3 3 -								to
	Date		esting Officer, it						al No.		Dates Off
25.		ED BELOW.	JOILT, TT ROM	IOL TO AT	LAK	~· ·		IL AND	LA	<i>,</i> _	
26. WHEI	N.	ON OR E	SEFORE THIS	DATE:				Time:			□ AM □ PM
	WHAT TO DO WHERI	E: [Name of [Section]	THE INSTRUCT court[s]] s] or division[s].ddress[es]]			REVE	ERSE.	Tille:			□ AM □ PM
28. 🗆	To be notific	[Phone N		with the c	lerk to	appe	ear at a	night s	essic	n of th	e court.
				PO Ba				J			
		California Form									ENDANT COPY SEE REVERSE
Rev.	. 01-01-04 (Per	n. Code, § 853.9)									TR-120

# NONTRAFFIC NOTICE TO APPEAR

(Reverse Of Defendant's Copy)

Code, § 853.7.)		
	WHAT TO DO	

# NONTRAFFIC NOTICE TO APPEAR (Reverse Of Court's Copy)



# Appendix F Traffic/Nontraffic Notice to Appear, Form TR-130

# TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Face of Court's Copy)

(NAME OF A	AGENCY AND	JURISDICT	ION)	□Т	□ MI raffic □ No	SDEMEAN	NOR	(Citation N	lo.)
Date of Violati		Time	_	□ AM	Day of		c	Case No.	
Name (First, M	liddle, Last)			<u></u> PM		Responsi		h. Code, § 4	10001)
Address 3.									
City 4.			St	tate	Z	IP Code			
Driver Lic. No. 5.		State	Class	Age	Birth [	Date /	☐ Juvei	nile (Phone	No.)
Sex 6.	Hair	Eyes	Height		Weight	Race	Othe	r Description	on
Veh. Lic. No. o	r VIN		State			□ C	OMMER	CIAL VEHIC	LE
Yr. of Veh.	Make	Model	Body	Style	Color	(	Veh. Co	de, § 15210(	(b))
	l nancial Respon	sibility						US MATER de, § 353)	IAL
Registered Ow	ner or Lessee					□Sa	ame as D	river	
Address						□ Sa	ame as D	river	
City					State	ZIP (	Code		
Correctable Viv Yes No	olation (Veh. Co		Descrip	otion	□Book	ing Requir		sdemeanor fraction (Cir	
13.								M	I
14.								М	I
15								М	I
16.								М	I
Speed Approx.	P.F./Max	Spd. Veh. I	.mt. Sa	afe	Radar	□ Conti	nuation 1 Issued	N	
Location of Vic	olation(s)	L		City	County of 0	Occurrenc	:e	w	Е
	eather, Road 8	Traffic Condi	tions)			[	□ Accide	ent S	
☐ Violation	ns not committe	ed in my presen	ce, declare	ed on i	nformation a	and belief.			
I declare under	r penalty of perj	ury under the la	ws of the S	State o	of California	the forego	ing is tru	e and correc	ct.
21	Arrest	ting or Citing Of	ficer			Serial	No.	to	
22. / /								to	
INDICAT	Name of Arre T ADMITTING ( ED BELOW.	esting Officer, if GUILT, I PROM				Serial ME AND F		Dates	Off
23. X Signat	ure								
24. WHEN	N: ON OR B	EFORE THIS D	ATE:		_ <u>/</u>	Time: _ Time: _			
WHAT TO DO 25. WHERE:	[Name of [Section[s	THE INSTRUC court[s]] s] or division[s], ddress[es]]			REVERSE.				
26. ☐ To be notif	Phone N	o.]	with the -!	lork to	annoar -t	o niaht	oolon of	the court	
zo 10 be notif	<b>10</b>	u may arrange				a night se	SSION OF	uie court.	
		F	PO Ba	rcoc	de		DE	FENDANT	COPY
Judicial Council o		00(b) 40513(b) 4	0522 40600	Don C	`odo & 9E2 0\			SEE REV	ERSE

# TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Reverse of Defendant's Copy)

### IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer

JUVENILE: If you were under age 18 at the time the citation was issued, you must appear in court with

COURTESY NOTICE: A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

#### WHAT TO DO

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are on the front of this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation: Correct the violation (traffic cases, when applicable).

- Pay the fine (bail).
- Appear in court.Contest the violation.
- Request traffic school (traffic cases, when applicable).
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

#### If you do NOT contest the violation:

- (Pay the bail amount) Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.
- (Traffic school) You may be able to avoid the point count by completing traffic school. You must pay the bail amount, and you may have to pay other fees. Contact the court to request traffic school
- (Correctable violations) If the "Yes" box is checked on the front of your ticket, the violation is Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed only upon (1) your showing or mailing to the court evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

	CERTIFICATE OF CORRE	CTION (MUST BE RETURNE	D TO COURT)	
Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

#### If you contest the violation (select a or b):

- (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. You will be required to submit the bail amount.
- (Trial by written declaration (traffic cases)) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.
- Make check/money order payable to Clerk of the Court. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

4.	Additional information is available at						
Loca	Il Web site						

# TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Reverse of Court's Copy)

